THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 4086 OF 2005

Dated 27th September, 2007

Between:

Srinagar Residence Welfare Association,
represented by its President, M.Lakshmi,
Siddarthanagar, Vadlapudi, Visakhapatnam.

…Petitioner.

And

The District Collector, Visakhapatnam,
District Visakhapatnam and others.

ORAL ORDER:

In this writ petition, the petitioner seeks directions to the 4th respondent not to undertake registration with regard to the lands covered by Survey No.105 admeasuring Ac.5.70 cents situated at Vedulla Narava village in Sabbavaram Mandal, Visakhapatnam District.

It is submitted by the learned counsel for the petitioner that the petitioner is a welfare association and it had purchased land admeasuring Ac.5.70 cents in Survey No.105 of Vedulla Narava village by way of registered sale deed for the purpose of allotment of house sites to its members. Though it is their exclusive property, the grievance of the petitioner is that some third parties are trying to alienate the above property by disputing the title of the petitioner. The writ petition is filed mainly on the ground that in spite of the letter addressed by the Mandal Revenue Officer to the Sub-Registrar not to undertake registration in respect of the land of the petitioner, the fourth respondent is bent upon accepting some documents for the purpose of registration.

In the affidavit filed in support of the writ petition, it is vaguely stated that some third parties are trying to grab the land of the petitioner, but neither any particulars are given nor the alleged third parties who threatened to dispossess the petitioner are not made as party-respondents in the writ petition. The sole basis for the relief sought for in the writ petition is the letter addressed by the Mandal Revenue Officer to the Sub-Registrar.

Under the scheme of the Registration Act and the rules made thereunder, it is not for the Mandal Revenue Officer to direct the Sub-Registrar to undertake registration or not with regard to any

particular land. When a document is presented for registration, it is for the registering authority i.e. the Sub-Registrar to consider whether or not to register the document presented for registration and whether registration of such properties is in accordance with the rules made under the Registration Act or not. But, the very letter addressed by the Mandal Revenue Officer is without jurisdiction and no such power is conferred on the Mandal Revenue officer under the provisions of the Registration Act. If anybody disputes the title over the property of the petitioner, while it is open for the petitioner to seek appropriate remedy before the Civil Court, but, on mere apprehension and without impleading the third parties, the petitioner cannot seek a general direction to the 4th respondent not to entertain any documents in respect of the land of the petitioner for registration. Therefore, keeping it open to the petitioner to avail any other remedy available under law, the writ petition is dismissed. No costs.

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27-9-2007 **R.SUBHASH REDDY, J.**

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